

105TH CONGRESS  
2D SESSION

# S. 2317

To improve the National Wildlife Refuge System, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 16, 1998

Mr. CHAFEE (by request) introduced the following bill; which was read twice  
and referred to the Committee on Environment and Public Works

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## A BILL

To improve the National Wildlife Refuge System, and for  
other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Wildlife Ref-  
5       uge System Improvement Act of 1998”.

6       **SEC. 2. UPPER MISSISSIPPI RIVER NATIONAL WILDLIFE**  
7       **AND FISH REFUGE.**

8       (a) IN GENERAL.—In accordance with section  
9       4(a)(3) of the National Wildlife Refuge System Adminis-  
10       tration Act of 1966 (16 U.S.C. 668dd(a)(3)), there are  
11       transferred to the Corps of Engineers, without reimburse-

1 ment, approximately 37.36 acres of land of the Upper Mis-  
2 sissippi River Wildlife and Fish Refuge in the State of  
3 Minnesota, as designated on the map entitled “Upper Mis-  
4 sissippi National Wildlife and Fish Refuge lands trans-  
5 ferred to Corps of Engineers”, dated January 1998, and  
6 available, with accompanying legal descriptions of the  
7 land, for inspection in appropriate offices of the United  
8 States Fish and Wildlife Service.

9 (b) CONFORMING AMENDMENTS.—The first section  
10 and section 2 of the Upper Mississippi River Wild Life  
11 and Fish Refuge Act (16 U.S.C. 721, 722) are amended  
12 by striking “Upper Mississippi River Wild Life and Fish  
13 Refuge” each place it appears and inserting “Upper Mis-  
14 sissippi River National Wildlife and Fish Refuge”.

15 **SEC. 3. KILLCOHOOK COORDINATION AREA.**

16 (a) IN GENERAL.—In accordance with section  
17 4(a)(3) of the National Wildlife Refuge System Adminis-  
18 tration Act of 1966 (16 U.S.C. 668dd(a)(3)), the jurisdic-  
19 tion of the United States Fish and Wildlife Service over  
20 approximately 1,439.26 acres of land in the States of New  
21 Jersey and Delaware, known as the “Killcohook Coordina-  
22 tion Area”, as established by Executive Order No. 6582,  
23 issued February 3, 1934, and Executive Order No. 8648,  
24 issued January 23, 1941, is terminated.

(b) EXECUTIVE ORDERS.—Executive Order No. 6582, issued February 3, 1934, and Executive Order No. 8648, issued January 23, 1941, are revoked.

**SEC. 4. LAKE ELSIE NATIONAL WILDLIFE REFUGE.**

(a) IN GENERAL.—In accordance with section 4(a)(3) of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd(a)(3)), the jurisdiction of the United States Fish and Wildlife Service over approximately 634.7 acres of land and water in Richland County, North Dakota, known as the “Lake Elsie National Wildlife Refuge”, as established by Executive Order No. 8152, issued June 12, 1939, is terminated.

(b) EXECUTIVE ORDER.—Executive Order No. 8152, issued June 12, 1939, is revoked.

**SEC. 5. KLAMATH FOREST NATIONAL WILDLIFE REFUGE.**

Section 28 of the Act of August 13, 1954 (25 U.S.C. 564w–1), is amended in subsections (f) and (g) by striking “Klamath Forest National Wildlife Refuge” each place it appears and inserting “Klamath Marsh National Wildlife Refuge”.

**SEC. 6. VIOLATION OF NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT.**

Section 4 of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd) is amended—

1 (1) in the first sentence of subsection (c), by  
 2 striking “knowingly”;

3 (2) in subsection (f)—

4 (A) by striking “(f) Any” and inserting the  
 5 following:

6 “(f) PENALTIES.—

7 “(1) KNOWING VIOLATIONS.—Any”;

8 (B) by inserting “knowingly” after “who”;  
 9 and

10 (C) by adding at the end the following:

11 “(2) OTHER VIOLATIONS.—Any person who  
 12 otherwise violates or fails to comply with any of the  
 13 provisions of this Act (including a regulation issued  
 14 under this Act) shall be fined under title 18, United  
 15 States Code, or imprisoned not more than 180 days,  
 16 or both.”; and

17 (3) in subsection (g)—

18 (A) by striking “(g) Any” and inserting  
 19 the following:

20 “(g) ENFORCEMENT.—

21 “(1) IN GENERAL.—Any”; and

22 (B) by adding at the end the following:

23 “(2) FORFEITURE.—A gun, trap, net, or other  
 24 equipment, or a vessel, vehicle, aircraft, or other  
 25 means of transportation, used to aid the commission

1 of a violation of this Act (including a regulation  
2 issued under this Act) shall be subject to forfeiture  
3 on conviction of a criminal violation under sub-  
4 section (f)(1).

5 “(3) OTHER LAWS.—

6 “(A) IN GENERAL.—Except as provided in  
7 subparagraph (B), all provisions of law relating  
8 to the seizure, forfeiture, and condemnation of  
9 property for a violation of the customs laws of  
10 the United States, the disposition of the prop-  
11 erty and the proceeds of sale of the property,  
12 and the remission or mitigation of the forfeit-  
13 ure, shall apply to a seizure or forfeiture in-  
14 curred, or alleged to have been incurred, under  
15 this Act to the extent that the provisions of law  
16 are applicable to, and not inconsistent with, this  
17 Act.

18 “(B) OFFICERS OR EMPLOYEES.—All pow-  
19 ers, rights, and duties conferred or imposed by  
20 the customs laws of the United States on any  
21 officer or employee of the Department of the  
22 Treasury shall, for the purposes of this Act, be  
23 exercised or performed by the Secretary or such  
24 persons as the Secretary may designate.”.

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